

PANEL: WEST/SOUTHCENTRAL

LOCATION: HENDERSON COUNTY JUDICIAL CENTER, CIRCUIT COURTROOM 300, 5 NORTH MAIN STREET, HENDERSON, KENTUCKY

DATE: Tuesday, September 14, 2004

09:30 AM PJ: MINTON COMBS VANMETER

2003CA000090 COREN ESTES VS CARPENTER COMPANY ET AL.

2003CA000190 WHETHER THE CIRCUIT COURT ERRED IN GRANTING A DIRECTED VERDICT IN AGE DISCRIMINATION CASE. ON CROSS-APPEAL, WHETHER CIRCUIT COURT ERRED IN FAILING TO GRANT SUMMARY JUDGMENT.

CIVIL LOGAN COUNTY TYLER L GILL

Appellant Atty:

Appellant Name:

ROBERTS, NANCY OLIVER

COREN ESTES

Appellee Atty:

Appellee Name:

BECKER, DOUGLAS W.

CARPENTER COMPANY

DOUG BULLOCK

JIM GUTHRIE

JOHNNY MCGUIRE

PATTERSON, DEBORAH H

CARPENTER COMPANY

DOUG BULLOCK

JIM GUTHRIE

JOHNNY MCGUIRE

10:15 AM PJ: MINTON COMBS VANMETER

2003CA002121 AMERICAN PREMIER INSURANCE COMPANY VS TIMOTHY MCBRIDE

WHETHER TRIAL COURT ERRED IN DISMISSING AUTOMOBILE PROPERTY-DAMAGE SUBROGATION CLAIM AS BARRED BY TWO- YEAR STATUTE OF LIMITATIONS, KRS 413.125.

CIVIL HENDERSON COUNTY STEPHEN A. HAYDEN

Appellant Atty:

Appellant Name:

CRITTENDEN, DAVID EUGENE

AMERICAN PREMIER INSURANCE COMPANY

STOPHER, ROBERT E.

AMERICAN PREMIER INSURANCE COMPANY

Appellee Atty:

Appellee Name:

KING JR, FRANK N

TIMOTHY MCBRIDE

PANEL: LOUISVILLE METRO

LOCATION: JEFFERSON COUNTY JUDICIAL CENTER, 10TH FLOOR APPELLATE COURTROOM,  
700 WEST JEFFERSON STREET, LOUISVILLE, KENTUCKY

DATE: Thursday, September 09, 2004

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09:30 AM PJ: KNOFF BARBER TACKETT

2003CA002012 BEVERLY JONES VS COMMONWEALTH OF KENTUCKY

BEVERLY JONES APPEALS FROM A DENIAL OF HER RCR 11.42 MOTION. SHE ARGUES THAT THE TRIAL COURT ERRED (1) IN FINDING THAT KRS 31.185(2) DOES NOT REQUIRE THE COURT TO COURT TO PROVIDE FUNDS FOR AN EXPERT WITNESS IN A COLLATERAL PROCEEDING; (2) BY CONSIDERING THE COMMONWEALTH'S MOTION TO SET ASIDE THE EXPERT-FUNDING ORDER IN A NON-EX PARTE HEARING; AND (3) IN DENYING HER RCR 11.42 MOTION WITHOUT AN EVIDENTIARY HEARING.

POST-CONVICTION JEFFERSON COUNTY TOM MCDONALD

Appellant Atty:

Appellant Name:

.....  
RUFF, BRIAN THOMAS

.....  
BEVERLY JONES

Appellee Atty:

Appellee Name:

.....  
SEELIG, GEORGE G.

.....  
COMMONWEALTH OF KENTUCKY

STUMBO, GREGORY D.

COMMONWEALTH OF KENTUCKY

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10:15 AM PJ: KNOFF BARBER TACKETT

2002CA000469 ELMER DAVIS VS COMMONWEALTH OF KENTUCKY, TRANSPORTATION  
CABINET, DEPARTMENT

2003CA002029 ELMER DAVIS APPEALS FROM A SUMMARY JUDGMENT DECLARING HIS JUNKYARD TO BE A NUISANCE AND ENJOINING ITS FURTHER OPERATION UNTIL THE NUISANCE IS ABATED. DAVIS ARGUES THAT SUMMARY JUDGMENT WAS NOT APPROPRIATE, THAT THE TRANSPORTATION CABINET SELECTIVELY ENFORCED ITS REGULATIONS AGAINST HIM, AND THAT THE CABINET SHOULD BE ESTOPPED DUE TO ITS LONG DELAY IN BRINGING THE ENFORCEMENT ACTION.

CIVIL MEADE COUNTY SAM H. MONARCH

Appellant Atty:

Appellant Name:

.....  
CARTER Jr, GEORGE R.

.....  
ELMER SCOTT DAVIS Jr

Appellee Atty:

Appellee Name:

.....  
COBB, STUART W.

.....  
COMMONWEALTH OF KENTUCKY, TRANSPORTATION CABINET,  
DEPARTMENT

PANEL: LOUISVILLE METRO

LOCATION: JEFFERSON COUNTY JUDICIAL CENTER, 10TH FLOOR APPELLATE COURTROOM,  
700 WEST JEFFERSON STREET, LOUISVILLE, KENTUCKY

DATE: Thursday, September 09, 2004

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11:00 AM PJ: KNOFF BARBER TACKETT

2003CA000893 DANIEL OYLER VS DOUGLAS THOMAS ET AL.

2003CA001500 ON CROSS-MOTIONS FOR DISCRETIONARY REVIEW, THE PARTIES APPEAL FROM DISTRICT COURT RULINGS RELATING TO THE PROBATE OF THE WILL OF JESSE METZINER. ISSUES: STANDING; AUTHORITY OF PROBATE COURT TO REJECT A WILL AND DISMISS A PREVIOUSLY APPOINTED ADMINISTRATOR AND TO REIMBURSE FORMER ADMINISTRATOR'S EXPENSES; ATTORNEY FEES.

DR CIVIL JEFFERSON COUNTY DENISE CLAYTON

Appellant Atty:

Appellant Name:

.....  
OYLER, DANIEL M

.....  
DANIEL M. OYLER

Appellee Atty:

Appellee Name:

.....  
EMERY, STEPHEN C  
MCCULLOUGH, DAVID A  
STEWART, JOHN FRITH

.....  
JAMES METZINGER  
DOUGLAS S. THOMAS  
JAMES METZINGER

**\*\*NOTE:40 MINUTES SET ASIDE FOR ARGUMENTS**

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01:30 PM PJ: BARBER KNOFF TACKETT

2003CA001802 AMERICAN LIFE & ACCIDENT INSURANCE COMPANY OF KENTUCKY VS  
COMMONWEALTH OF KENTUCKY ET AL.

INSURANCE: APPEAL INVOLVING THE KENTUCKY CAPITAL STOCK TAX.

CIVIL JEFFERSON COUNTY STEPHEN P RYAN

Appellant Atty:

Appellant Name:

.....  
CUMMINS, JOHN R  
SOMMER, MARK F

.....  
AMERICAN LIFE & ACCIDENT INSURANCE COMPANY OF KENTUCKY  
AMERICAN LIFE & ACCIDENT INSURANCE COMPANY OF KENTUCKY

Appellee Atty:

Appellee Name:

.....  
DOWELL, DOUGLAS M  
LAYTON, ROBERT G

.....  
COMMONWEALTH OF KENTUCKY  
DANA B MAYTON  
KENTUCKY BOARD OF TAX APPEALS

**\*\*NOTE:40 MINUTES SET ASIDE FOR ARGUMENTS**

PANEL: LOUISVILLE METRO

LOCATION: JEFFERSON COUNTY JUDICIAL CENTER, 10TH FLOOR APPELLATE COURTROOM,  
700 WEST JEFFERSON STREET, LOUISVILLE, KENTUCKY

DATE: Thursday, September 09, 2004

02:30 PM

PJ: TACKETT

BARBER

KNOPF

2003CA000404

T.A. VS COMMONWEALTH OF KENTUCKY

ADVANCED; JUVENILE APPEALS FROM COURT'S REFUSAL TO TERMINATE COMMITMENT TO DEPT. OF JUVENILE JUSTICE

DR CRIMINAL

JEFFERSON COUNTY

Appellant Atty:

Appellant Name:

ROBINSON, GAIL

T.A.

Appellee Atty:

Appellee Name:

SEXTON, DAVID A

COMMONWEALTH OF KENTUCKY

STUMBO, GREGORY D.

COMMONWEALTH OF KENTUCKY

PANEL: EAST/SOUTHEAST

LOCATION: JAMES CLARK JUDICIAL CENTER, DISTRICT COURTROOM, 17 CLEVELAND AVENUE, WINCHESTER, KENTUCKY

DATE: Thursday, September 09, 2004

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11:00 AM PJ: TAYLOR EMBERTON JOHNSON  
2003CA001464 COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET VS  
WILLIAM WEINBERG  
WHETHER CABINET PROPERLY SUSPENDED APPELLEE'S DRIVER'S LICENSE.

CIVIL KNOTT COUNTY JOHN ROBERT MORGAN

Appellant Atty:

Appellant Name:

.....  
NEWELL, CHRISTOPHER  
SHEARER, W. DAVID

.....  
COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET  
COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET

Appellee Atty:

Appellee Name:

.....  
DOTSON, DANIEL F.

.....  
WILLIAM R. WEINBERG

**\*\*NOTE:PREVIOUSLY SCHEDULED FOR 2:15 PM**

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11:45 AM PJ: TAYLOR EMBERTON JOHNSON  
2003CA002532 OWEN DAVIDSON VS COMMONWEALTH OF KENTUCKY

WHETHER CIRCUIT COURT PROPERLY FOUND APPELLANT IN CONTEMPT OF COURT FOR FAILURE TO COMPLY WITH AGREED ORDER OF CHILD SUPPORT.

DR CIVIL LAUREL COUNTY LEWIS B HOPPER

Appellant Atty:

Appellant Name:

.....  
CHARLES, STEPHAN

.....  
OWEN DAVIDSON

Appellee Atty:

Appellee Name:

.....  
ALBRIGHT, JODI L.

.....  
COMMONWEALTH OF KENTUCKY

CUNNAGIN JR, ELMER

.....  
COMMONWEALTH OF KENTUCKY

**\*\*NOTE:PREVIOUSLY SCHEDULED FOR 1:30 PM**

PANEL: NORTH/CENTRAL

LOCATION: 360 DEMOCRAT DRIVE, FRANKFORT, KENTUCKY

DATE: Wednesday, September 08, 2004

02:30 PM

PJ: SCHRODER

BUCKINGHAM

MILLER

2003CA001755

LALANA BRAMBLE ET AL. VS BRUCE GRAHAM ET AL.

ACTION AGAINST CITY AND POLICE OFFICER FOR FAILURE TO REPORT SUSPECTED SEX ABUSE WHEREIN FATHER CONTINUED TO ABUSE.

CIVIL

BOONE COUNTY

JOSEPH F. BAMBERGER

Appellant Atty:

Appellant Name:

.....  
CAMPBELL, MICHAEL R

.....  
DONALD OAKES

ROGERS, EARL

LALANA BRAMBLE

DONALD OAKES

LALANA BRAMBLE

Appellee Atty:

Appellee Name:

.....  
LANGEN, JENNIFER L.

.....  
BRUCE GRAHAM

MANDO, JEFFREY C.

BRUCE GRAHAM

SKEES, HUGH

CITY OF FLORENCE, KENTUCKY

03:15 PM

PJ: SCHRODER

BUCKINGHAM

DYCHE

2003CA001548

RICHARD WESTIN VS DAVID SHIPLEY

UK LAW PROFESSOR SUES DEAN FOR FRAUD/MISREPRESENTATION IN HIS RECRUITMENT.

CIVIL

FAYETTE COUNTY

THOMAS L CLARK

Appellant Atty:

Appellant Name:

.....  
STINETORF, J ROSS

.....  
RICHARD A. WESTIN

Appellee Atty:

Appellee Name:

.....  
BARKER, STEPHEN L

.....  
DAVID E. SHIPLEY

WEAVER, KEVIN W

DAVID E. SHIPLEY

04:00 PM

PJ: SCHRODER

BUCKINGHAM

DYCHE

2003CA001170

STEVEN BURTON VS JEFF WATERS

2003CA001845

PASSENGER IN A CAR INJURED AFTER A WRECK, AFTER THE CAR WAS STOPPED BY THE POLICE BUT LET GO. SUED THE OFFICER.

CIVIL

MARION COUNTY

ALLAN RAY BERTRAM

Appellant Atty:

Appellant Name:

.....  
ANDERSON, TERRY R

.....  
STEVEN BURTON

Appellee Atty:

Appellee Name:

.....  
BURD, JAMES M

.....  
JEFF WATERS

PANEL: NORTH/CENTRAL

LOCATION: 360 DEMOCRAT DRIVE, FRANKFORT, KENTUCKY

DATE: Thursday, September 09, 2004

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09:30 AM PJ: BUCKINGHAM DYCHE SCHRODER  
2003CA002206 COMMONWEALTH OF KENTUCKY VS LINZIE RICE  
CRIMINAL/RCR 11.42/MURDER

POST-CONVICTION LESLIE COUNTY R. CLETUS MARICLE

Appellant Atty:

Appellant Name:

.....  
RIGGS, KEN W.

.....  
COMMONWEALTH OF KENTUCKY

Appellee Atty:

Appellee Name:

.....  
CASE, MARGARET FOLEY  
GAFFORD, EDWARD L.

.....  
LINZIE DOUGLAS RICE  
LINZIE DOUGLAS RICE

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10:15 AM PJ: BUCKINGHAM DYCHE SCHRODER  
2003CA001888 AMERICAN RED CROSS - LOUISVILLE AREA CHAPTER ET AL. VS  
COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET  
SUIT AGAINST STATE/IMMUNITY

CIVIL FRANKLIN COUNTY WILLIAM L GRAHAM

Appellant Atty:

Appellant Name:

.....  
LYCAN, D ERIC

.....  
ALL COUNTY TRANSPORT, INC.  
AMERICAN RED CROSS - LOUISVILLE AREA CHAPTER  
CARETENDERS OF NEW JERSEY, INC.  
SUBURBAN TRANSPORTATION SERVICE, INC.  
VALLEY MEDICAL TRANSPORTATION, LLC

Appellee Atty:

Appellee Name:

.....  
HALLOCK, DOUGLAS J  
MCGARVEY, JOHN T.

.....  
COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET  
COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET

PANEL: NORTH/CENTRAL

LOCATION: 360 DEMOCRAT DRIVE, FRANKFORT, KENTUCKY

DATE: Thursday, September 09, 2004

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11:00 AM PJ: BUCKINGHAM DYCHE SCHRODER

2003CA001725 JUDY LEE VS DAVID LEE

DIVORCE/LATER DISCOVERED MARITAL PROPERTY

CIVIL FAYETTE COUNTY GARY D PAYNE

Appellant Atty:

Appellant Name:

.....  
ANDREWS, DAVID M.

.....  
JUDY KAYE LEE

SHEVLIN, BRENDAN JOHN

JUDY KAYE LEE

Appellee Atty:

Appellee Name:

.....  
BAGBY, GLEN S.

.....  
DAVID B. LEE

BURCHETT, SAM P.

DAVID B. LEE

LYONS JR., J. ROBERT

DAVID B. LEE

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01:30 PM PJ: DYCHE BUCKINGHAM SCHRODER

2003CA002193 GERALD THEISEN VS KENTUCKY STATE UNIVERSITY

KRS 344 "REVERSE DISCRIMINATION" ACTION

CIVIL FRANKLIN COUNTY WILLIAM L GRAHAM

Appellant Atty:

Appellant Name:

.....  
DOVE, EDWARD E.

.....  
GERALD ARTHUR THEISEN

Appellee Atty:

Appellee Name:

.....  
JOHNSON, WILLIAM E.

.....  
KENTUCKY STATE UNIVERSITY

PANEL: RESCHEDULED AND MISC. CASES

LOCATION: 360 DEMOCRAT DRIVE, FRANKFORT, KENTUCKY

DATE: Wednesday, September 08, 2004

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12:15 PM PJ: KNOPF DYCHE JOHNSON  
2004CA001661 COMMON CAUSE VS COMMONWEALTH OF KENTUCKY, OFFICE OF THE GOVERNOR ET AL.

65.07 FRANKLIN COUNTY ROGER L. CRITTENDEN

Appellant Atty:

Appellant Name:

.....  
BELILES, RICHARD V

.....  
COMMON CAUSE

Appellee Atty:

Appellee Name:

.....  
ALLEN, JAMES D.  
CETRULO, DON  
EMERSON, C DAVID  
  
HALE, DAVID J  
HATTER, HARLAND C  
HENDRIX, LAURA  
JOHNSTONE, C. DAVID  
JONES, ROBERT S  
ROACH, JOHN C  
SHEPHERD, PHILLIP J

.....  
KENTUCKY RETIREMENT SYSTEMS BOARD OF TRUSTEES  
JODY RICHARDS  
DAVID JACKSON  
KENTUCKY ASSOCIATION OF STATE EMPLOYEES  
COMMONWEALTH OF KENTUCKY DEPARTMENT OF THE TREASURY  
DAVID WILLIAMS  
LEGISLATIVE RESEARCH COMMISSION  
COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL  
COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL  
COMMONWEALTH OF KENTUCKY, OFFICE OF THE GOVERNOR  
CHARLES GEVEDEN  
JIM WAYNE  
STEVE NUNN  
COMMONWEALTH OF KENTUCKY, OFFICE OF THE GOVERNOR  
KENTUCKY RETIREMENT SYSTEMS BOARD OF TRUSTEES  
KENTUCKY RETIREMENT SYSTEMS BOARD OF TRUSTEES

\*\*NOTE:CR 65.07 MOTION

PANEL: RESCHEDULED AND MISC. CASES

LOCATION: 360 DEMOCRAT DRIVE, FRANKFORT, KENTUCKY

DATE: Wednesday, September 08, 2004

01:00 PM PJ: GUIDUGLI MINTON VANMETER  
2002CA001968 PETE GRIGSBY ET AL. VS FLOYD COUNTY BOARD OF EDUCATON ET AL.

2002CA001971 DIRECT APPEAL - WHETHER THE SCHOOL BOARD CORRECTED ITS OPEN MEETINGS ACT VIOLATION AND WHAT EFFECT THE CORRECTION HAD ON DAMAGES. CROSS APPEAL - WHETHER THE TRIAL COURT AWARDED ADEQUATE DAMAGES AND SHOULD HAVE AWARDED ATTORNEY FEES AND COSTS.

FLOYD COUNTY

STEPHEN N. FRAZIER

Appellant Atty:

Appellant Name:

GETTY, RICHARD A.

E. MARTIN MCGUIRE

PETE GRIGSBY

TOMMY THOMPSON

WAYNE RATLIFF

MILLER, MASON L

E. MARTIN MCGUIRE

PETE GRIGSBY

TOMMY THOMPSON

WAYNE RATLIFF

WHITES, PIERCE BUTLER

TOMMY THOMPSON

Appellee Atty:

Appellee Name:

SCHMITT, MICHAEL J.

BRENT CLARK

BRENT CLARK

EDDIE BILLIPS

EDDIE BILLIPS

EDDIE PATTON

EDDIE PATTON

FLOYD COUNTY BOARD OF EDUCATON

HATTIE C. OWENS

HATTIE C. OWENS

ROBERT ISAACS

ROBERT ISAACS

STEPHEN TOWLER

STEPHEN TOWLER

SHAW, JONATHAN C.

BRENT CLARK

BRENT CLARK

EDDIE BILLIPS

EDDIE BILLIPS

EDDIE PATTON

EDDIE PATTON

FLOYD COUNTY BOARD OF EDUCATON

HATTIE C. OWENS

HATTIE C. OWENS

ROBERT ISAACS

ROBERT ISAACS

STEPHEN TOWLER

PANEL: RESCHEDULED AND MISC. CASES

LOCATION: 360 DEMOCRAT DRIVE, FRANKFORT, KENTUCKY

DATE: Wednesday, September 08, 2004

01:45 PM

PJ: JOHNSON

GUIDUGLI

MINTON

2003CA001685

SHARON LAY ET AL. VS CHRISTOPHER ADLEY ET AL.

WHETHER THE TRIAL COURT ERRED BY NOT SETTING ASIDE A JURY VERDICT IN A MEDICAL NEGLIGENCE CASE DUE TO VARIOUS ALLEGATIONS OF JUROR MISCONDUCT.

CIVIL

KENTON COUNTY

STEVEN R JAEGER

Appellant Atty:

Appellant Name:

DETERS, ERIC C.

FRED LAY

SHARON LAY

SHARON LAY

Appellee Atty:

Appellee Name:

ARNZEN, MARK G.

CHRISTOPHER S. ADLEY

PEDIATRIC CARE OF KENTUCKY, P.S.C.

MOLLOY, MARY K

CHRISTOPHER S. ADLEY

PEDIATRIC CARE OF KENTUCKY, P.S.C.

\*\*NOTE:CONTINUED FROM JUNE

PANEL: RESCHEDULED AND MISC. CASES

LOCATION: LYON COUNTY JUDICIAL CENTER, CIRCUIT COURTROOM, 500-A WEST DALE AVENUE, EDDYVILLE, KENTUCKY

DATE: Tuesday, September 14, 2004

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01:30 PM PJ: JOHNSON BUCKINGHAM KNOFF  
2001CA002274 HAROLD LEASURE VS COLEMAN AMERICAN COMPANIES, INC.  
2003CA001023 WHETHER THE TRIAL COURT ERRED BY GRANTING SUMMARY JUDGMENT IN A SUIT CONCERNING A STOCK PURCHASE AND SALE AGREEMENT.

CIVIL CHRISTIAN COUNTY EDWIN M WHITE

Appellant Atty:

Appellant Name:

.....  
JONES JR., RICHARD W  
OWSLEY JR., MICHAEL A.  
REYNOLDS JR., BRETT A.

.....  
HAROLD BROOKS LEASURE JR.  
HAROLD BROOKS LEASURE JR.  
HAROLD BROOKS LEASURE JR.

Appellee Atty:

Appellee Name:

.....  
ASKEW, LOGAN B.  
CRAIG, BERNARD D.  
KASIERSKI, SCOTT P.  
OVERSTREET, MARK

.....  
COLEMAN AMERICAN COMPANIES, INC.  
COLEMAN AMERICAN COMPANIES, INC.  
COLEMAN AMERICAN COMPANIES, INC.  
COLEMAN AMERICAN COMPANIES, INC.

\*\*NOTE:CONTINUED FROM JULY

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02:15 PM PJ: BUCKINGHAM JOHNSON KNOFF  
2003CA001715 TOM WRIGHT VS DOLGENCORP, INC. ET AL.  
TORT ACTION/WORKERS COMP. REMEDY

CIVIL ALLEN COUNTY WILLIAM R HARRIS

Appellant Atty:

Appellant Name:

.....  
DOWNEY, STEVEN D.

.....  
TOM WRIGHT

Appellee Atty:

Appellee Name:

.....  
BRENNENSTUHL, H. BRENT

.....  
DOLGENCORP, INC.  
DOLLAR GENERAL CORPORATION

\*\*NOTE:CONTINUED FROM JULY